



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

86 Chambers Street  
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June 12, 2019

BY ECF

Honorable Paul A. Engelmayer  
United States District Judge  
40 Foley Square  
New York, NY 10007

USDC SDNY  
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Re: *Reclaim the Records, et al. v. U.S. Department of Veterans Affairs*, 18 Civ. 8449 (PAE)

Dear Judge Engelmayer:

This Office represents the United States Department of Veterans Affairs (the “VA”) in this lawsuit involving a Freedom of Information Act (“FOIA”) request filed by Plaintiff Brooke Ganz, principal of the nonprofit organization Reclaim the Records (collectively, the “Plaintiffs”), seeking the Beneficiary Identification Records Locator Subsystem (“BIRLS”) Death File, a database maintained by the VA. I write respectfully to request a two-week extension of the VA’s deadline to file its motion for summary judgment, currently set for June 20, 2019, as well as a corresponding extension of the remaining summary judgment deadlines set by the Court it is May 6, 2019, Order (Dkt. No. 20).

The Government makes this request because it needs additional time to coordinate with the VA, to obtain multiple declarations from agency witnesses, including from the Veterans Business Administration, the Veterans Health Administration (“VHA”), and the VHA FOIA Office, and to draft and finalize its brief. This is the Government’s first request for an extension of its summary judgment deadline. Counsel for Plaintiffs consents to the request.

Should the Court grant this request, the revised deadlines would be as follows:

- The Government’s affirmative motion for summary judgment is due Friday, July 5, 2019;<sup>1</sup>
- Plaintiffs’ combined opposition and cross-motion for summary judgment is due Monday, August 19, 2019;
- The Government’s combined opposition and reply brief is due Monday, September 9, 2019; and
- Plaintiffs’ reply brief is due Monday, September 30, 2019.

<sup>1</sup> This date is one day more than two weeks from the original deadline, which falls on the holiday of July 4<sup>th</sup>.

We thank the Court for its consideration of this submission.

Respectfully,

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United States Attorney

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Granted.

SO ORDERED.

*Paul A. Engelmayer*

6/12/19

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PAUL A. ENGELMAYER  
United States District Judge